

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

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	)	
In the Matter of	)	
	)	
CERTAIN PERSONAL WATERCRAFT	)	Investigation No. 337-TA-452
AND COMPONENTS THEREOF	)	
	)	
	)	
_____)		

NOTICE OF A DECISION NOT TO REVIEW AN INITIAL DETERMINATION  
GRANTING A MOTION FOR SUMMARY DETERMINATION  
OF INVALIDITY OF ONE PATENT CLAIM

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission Notice has determined not to review an initial determination (ID) (Order No. 77) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation which found the only asserted claim of one patent at issue to be invalid.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol.public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain personal watercraft and components thereof on March 9, 2001, based on a complaint filed by Yamaha Hatsudoki Kabushiki Kaisha, dba Yamaha Motor Company, Ltd., and Sanshin Kogyo Kabushi Kaisha, dba Sanshin Industries, Ltd. (collectively, "Yamaha") of Japan. 66 *Fed. Reg.* 14937.

The respondents named in the notice of investigation are Bombardier, Inc. of Canada and Bombardier Motor Corporation of America of Wausau, Wisconsin (collectively “Bombardier”). *Id.* Yamaha’s complaint alleged that Bombardier’s products infringed claims of 11 different patents held by Yamaha.

On October 12, 2001, Bombardier moved pursuant to Commission rule 210.18, 19 C.F.R. § 210.18, for summary determination of invalidity of claim 24 of U.S. Letters Patent 4,811,560 (“the ‘560 patent”) because the invention disclosed in the claim was allegedly in public use more than one year prior to the date of the patent application. Yamaha opposed the motion and the Commission investigative attorney (IA) supported the motion. On November 15, 2001, the ALJ issued an ID (Order No. 77) granting Bombardier’s motion.

On November 21, 2001, Yamaha filed a petition for review of the ID. On November 29, 2001, the IA and Bombardier filed oppositions to Yamaha’s petition for review.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.43 (h)(2) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.42(h)(3).

By order of the Commission.

Donna R. Koehnke  
Secretary

Issued: December 12, 2001